| Colorado Department of Health Care Policy and Financing 1570 Grant St., Denver, CO 80203-1818 | NUMBER: HCPF 14-003 SUPRECEDES NUMBER: |
|--|---|
| DIVISION OR OFFICE: | DATE: |
| Client and Community Relations Office | 01/28/2014 |
| SUBJECT AREA: | |
| Medical Assistance | |
| SUBJECT: | APPROVED BY: |
| CIVIL UNIONS AND MEDICAID ELIGIBILITY | (A) and |
| TYPE: Information | Antoinette Taranto |

HCPF Agency Letters can be accessed online at:

www.colorado.gov/hcpf >> Partners & Researchers >> County and Medical Assistance Site >> Agency Letters

Purpose:

The purpose of this agency letter is to advise eligibility sites on how to determine Medicaid eligibility for individuals in a civil union.

Background:

The Colorado General Assembly passed SB 13-011, the Colorado Civil Union Act (the Act), and was signed into law by the Governor on March 21, 2013. The Act allows for individuals in a civil union to obtain the same benefits, protections, and responsibilities as spouses to a marriage. Under Colorado law, individuals in a civil union are not considered spouses to a marriage. The Colorado Constitution specifies that "only a union of one man and one woman shall be recognized as a marriage in this state", (Colorado Constitution, Article II, section 31).

Procedure or Information:

Federally Funded Medicaid Programs

The Colorado Medical Assistance Act provides that Colorado's Medicaid programs shall conform to the requirements of Title XIX of the Social Security Act. C.R.S. § 25.5-4-104(1). Title XIX has specific provisions that apply only to married couples. Medicaid determinations must still be conducted under the requirements provided by federal law. Colorado does not recognize the parties to a civil union as being married. In compliance with federal and state law, the Medicaid eligibility determination for individuals in a civil union must be completed in separate households.

State Funded Medical Assistance Programs

Medical Assistance programs that are funded by State dollars only are not bound by the federal law. Therefore, the Old Age Pension Health Care Plan (OAP-HCP) can allow for parties in a

civil union to have their determination considered as one household. The OAP Health Care Plan (OAP-HCP) provides benefits to OAP recipients who do not qualify for Medicaid. Further guidance will be forthcoming regarding system changes.

Effective Date:

01/28/2014

Contact:

Medicaid.Eligibility@hcpf.state.co.us